

Reversal of Justice: Hague Acquits Top Croatian War Criminals

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THE HAGUE – The Hague Tribunal acquitted Friday Croatian Generals Ante Gotovina and Mladen Markac of a joint criminal enterprise and war crimes against humanity in the Croatian Operation Storm in August 1995.

The Appeals Chamber ordered immediate release of the two generals.

On April 15, 2011, Generals Ante Gotovina and Mladen Markac had been sentenced to 24 and 18 years, respectively, whereas General Ivan Cermak was acquitted of all charges and the prosecution did not appeal his verdict.

Operation Storm was initially qualified as a joint criminal enterprise with the then Croatian president, Franjo Tudjman, whose purpose was to forcibly and permanently remove the Serb civilian population and populate the area with Croats.

However ICTY appeals judges Friday said there was no evidence of a joint criminal enterprise aimed at expelling the Serb civilians from the Krajina region by force or threat of force.

Presiding Judge Theodor Meron said that the Chamber partially accepted the appeal of Gotovina and Markac and dismissed the conclusion that the attacks on the four cities – Knin, Obrovac, Gracac and Benkovac – were unlawful.

The Appeals Chamber also qualified the escape of the Serb population from the cities during the Croatian attacks as departure of civilians during artillery attacks which cannot be characterized as deportation.

The Chamber found Gotovina and Markac not guilty of persecution, deportations, killings, crimes against humanity, pillage, violation of the laws and customs of war during and after the Operation Storm.

The Chamber also acquitted the two generals of command responsibility, with Judges Fausto Pocar and Carmel Agius dissenting.

Gotovina was only found guilty on the third count of the indictment – that he was aware of the crimes and that he should have investigated the incidents, which he failed to do, according to the court.

During the Storm Operation, Gotovina served as the commander of the Croatian army's Split Military District, and Markac was Operation Commander of the Special Police in Croatia.

Gotovina was on the run until December, 2005, when he was arrested in Spain and transferred to the ICTY detention unit in Scheveningen. Markac and Cermak voluntarily surrendered in March 2004, after which they were released pending trial.

Nearly 2,000 Serbs went missing, and around 220,000 were expelled during Operation Storm that was carried out by the Croatian armed forces in the territory of the former Republic of Serb Krajina.

Operation Storm represents one of the most severe cases of ethnic cleansing that was conducted in the wars in the territories of the former Socialist Federal Republic of Yugoslavia (SFRY). Civilians accounted for 62 percent of the victims of this operation.

According to the data of the Veritas Documentation and Information Centre, out of 1,922 victims in the area of Krajina, 546 or 28 percent were women, two-thirds of them aged over 60.

Moreover, 19 people under 18 years of age were killed, nine of them under 14, while 1,772 children were left parentless.

Light is yet to be shed on the destiny of 975 people, 674 of them civilians, including 331 women, while Croatia still avoids exhumation of even known graves, with at least 413 remains.

Storm was the final operation in the 1991-95 war, during which nearly 7,000 Serbs went missing and 404,887 were expelled from Croatia, 141,887 of them from cities in which there were no armed conflicts.

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